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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/252,925	02/19/1999	SHINJI OHNISHI	35.C13340	5040
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5514 7590 04/24/2002

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EXAMINER

SPAFFORD, TIMOTHY J

ART UNIT	PAPER NUMBER
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2662

DATE MAILED: 04/24/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

SKY

**Office Action Summary**

Application No.

09/252,925

Applicant(s)

OHNISHI ET AL.

Examiner

Tim Spafford

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 2/19/99.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 25 is/are allowed.
- 6) ☒ Claim(s) 1-7, 12-24 and 26-35 is/are rejected.
- 7) ☒ Claim(s) 8-11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed 12/06/99 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

### ***Drawings***

1. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Specification***

2. The disclosure is objected to because of the following informalities: Use of the term "keyboard and mouth" on page 2 lines 16-17 and page 16 line 25. I believe this should be "keyboard and mouse". A number of other misspelled words were also detected throughout the specification. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 31, 32, 34, 35 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claims 31 and 34 state, on lines 3-5 and 2-4 respectively, that the invention is "discriminating a plurality of logical connection relationships between one or more destination nodes".

Claims 32 and 35 state, on lines 3-4 and 2-3 respectively, that the invention is "discriminating a plurality of logical connection relationships between one or more source nodes". The disclosure reads that the logical connection is between a source node and a destination node.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 2 and 3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 2, the term "effects" is broad and gives no indication of how the source node continuously effects the asynchronous transfer.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

8. Claims 20-23 and 26-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Fukunaga et al (USPAP 20001/0042142).

9. Referring to claim 20, 22, 26 and 28, Fukunaga et al. show, in figures 1A and B, a data communication system or method comprising:

a controller for setting new logical connection relationships between a source node and one or more destination nodes (paragraphs 159-164);

a source node for transferring object data divided into one or more segments in a asynchronous transferring by using one of the logical connection relationships (paragraphs 191-196); and

one or more destination nodes for discriminating the logical connection relationship and for receiving the object data (paragraph 196).

10. Referring to claim 21, 23, 27 and 29, Fukunaga et al. show, in figures 1A and B, a data communication system or method comprising:

a controller for setting new logical connection relationships between a source node and one or more destination nodes (paragraphs 159-164);

a source node for broadcasting object data divided into one or more segments by using one of the logical connection relationships (paragraphs 204-211); and  
one or more destination nodes for discriminating the logical connection relationship and for receiving the object data (paragraph 208).

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 1, 3-7, 12-19, 24, 30 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukunaga et al. (USPAP 2001/0042142) in view of James (USPN 6,133,938).

13. Referring to claims 1, 24, 30 and 33, Fukunaga et al. show a data communication system/method comprising:

a controller for setting a logical connection relationships between a source node and one or more destination nodes and informing source and destination nodes of this logical connection relationship (paragraphs 159-164);

a source node for transferring object data divided into one or more segments in a asynchronous transferring by using one of the logical connection relationships (paragraphs 191-196); and

one or more destination nodes for receiving the object data transferred from said source node in the asynchronous transferring (paragraph 196).

Fukanaga et al. fail to show that the controller is setting a logical connection relationship different from that set by another. James shows, in column 7 line 33 thru column 8 line 24, a device being controlled by two controllers to send object data to one or more destinations. It would have been obvious to one skilled in the art at the time of the invention to combine the system/methods as taught by James with the system/methods of Fukanaga et al. to discriminate between the connections.

14. Referring to claim 3, Fukanaga shows a system wherein said one or more destination nodes return response for the asynchronous transferring (paragraph 194).

15. Referring to claim 4, Fukanaga shows a system wherein the logical connection relationship is discriminated by connection ID set by each controller (paragraphs 222-227).

16. Referring to claim 5, Fukanaga shows a system wherein the logical connection relationship is discriminated by inherent information of each controller (paragraph 167).

17. Referring to claim 6, Fukanaga shows a system wherein the logical connection relationship is further discriminated by a predetermined channel number (figure 15A).

18. Referring to claim 7, Fukanaga shows a system wherein the logical connection relationship is released by said controller or said destination node after the object data is transferred (figure 20).

19. Referring to claim 12, Fukanaga shows a system wherein said source node writes the object data in a common memory space of said one or more destination nodes by using the asynchronous transferring (paragraph 186).

20. Referring to claim 13, Fukunaga shows a system wherein said one or more destination nodes store a common memory space of said destination nodes (paragraph 186).
21. Referring to claim 14, Fukunaga shows a system wherein the asynchronous transferring is based upon an asynchronous transfer system of IEEE 1394-1995 Standard (paragraphs 2 and 166).
22. Referring to claim 15, Fukunaga shows a system wherein the asynchronous transferring is based upon an asynchronous transfer system of IEEE 1394-a Standard (paragraphs 2 and 166).
23. Referring to claim 16, Fukunaga shows a system wherein the data communication system is a network of bus type (paragraphs 8-11).
24. Referring to claim 17, Fukunaga shows a system wherein the data communication system is a network based on IEEE 1394-1995 Standard (paragraph 2).
25. Referring to claim 18, Fukunaga shows a system wherein the data comprising one or more segments is at least one of still image data, graphic data, text data, file data and program data (paragraph 102).

Referring to claims 19, Fukunaga et al. show a data communication system/method comprising:

a controller for setting a logical connection relationships between a source node and one or more destination nodes (paragraphs 159-164);

a source node for broadcasting object data divided into one or more segments in by using the logical connection relationships (paragraphs 204-211); and



one or more destination nodes for receiving the object data broadcasted from said source node (paragraph 208).

Fukanaga et al. fail to show that the controller is setting a logical connection relationship different from that set by another. James shows, in column 7 line 33 thru column 8 line 24, a device being controlled by two controllers to send object data to one or more destinations. It would have been obvious to one skilled in the art at the time of the invention to combine the system/methods as taught by James with the system/methods of Fukunaga et al. to discriminate between the connections.

***Allowable Subject Matter***

26. Claims 8-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

27. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Schwager (USPAP 2002/0029271) discloses a method to control a network device in a network comprising several devices.
- b. Kobayashi (USPN 6,272,114) discloses a data processing apparatus for performing data communication via a digital interface.
- c. Duckwall (USPN 6,266,334) discloses a method for optimizing acknowledgement packet rate.

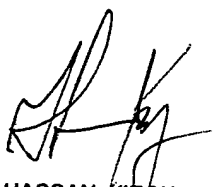
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tim Spafford whose telephone number is (703) 306-4820. The examiner can normally be reached on 7:30 - 4:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (703) 305-4744. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer service whose telephone number is (703) 306-0377.

tjs  
April 19, 2002



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